

REMARKS

Prior to entry of this paper, Claims 10, 11, 36, 41, 42, 44, 45, 47-49, 56, 57, and 59-65 were pending in this application. By this paper, Claims 10, 36, 41, 47, 56, 59, 61-63, and 65 are amended. Therefore consideration of Claims 10, 11, 36, 41, 42, 44, 45, 47-49, 56, 57, and 59-65 is respectfully requested. Applicant notes that the Office Action did not indicate the disposition of Claims 63-65.

Rejections under 35 U.S.C. § 101

The Office Action rejects Claim 10 and the claims that depend therefrom under 35 U.S.C. § 101 for the failure of the method of Claim 10 to be tied a machine or transform underlying subject matter to a different state or thing. The Office action indicates that this rejection may be overcome by identifying the apparatus that accomplishes the method. To expedite prosecution of this application, by this paper Claim 10 has been amended to recite, in part, the following:

A computerized method for transmitting content data over a network of devices, the method configured for execution by at least one computing device, the method comprising:

- receiving content data objects...
- storing received content data objects in a computer readable storage device;
- receiving from a client device indications of selection of two or more of the content data objects;
- receiving indications from the client device of payment terms and conditions for transmission of the indicated content data objects;
- receiving indications from the client device of a requested format of one or more of the indicated content data objects;
- storing received indications in a computer readable storage device. . .
- transforming the one or more of the indicated content data objects...
- storing the transformed content data objects in a computer readable storage device . . .

Accordingly, at least by reciting storing received content data objects, received indications, and transformed content data objects in a computer readable storage device, Claim 10 now further identifies the apparatus that accomplishes the method, as indicated by the Office Action. Therefore, for at least these reasons this rejection of Claim 10, as well as the claims that depend therefrom, is believed to be overcome, and removal of this rejection is respectfully requested.

The Office Action rejects Claims 36 and 56 and the claims that depend therefrom under 35 U.S.C. § 101 as being “software per se” for having a structure composed entirely of software. Though Applicant respectfully disagrees, to expedite prosecution of this application, by this paper Claim 36 has been amended to recite, in part, the following:

A computer coupled to one or more content provider computers operated by one or more publishers, and coupled to a client device, the computer comprising:
a processor;
a computer readable storage device configured to store one or more programs
...

By this paper Claim 56 has been amended to recite, in part, the following:

A computing device for transmitting content data over a network, the computing device comprising:
a processor configured to execute one or more programs;
a computer readable storage device configured to store one or more programs
...

Therefore, at least for reciting a processor and a computer readable storage device Claims 36 and 56 further recite non-software structure. Because the structures of Claims 36 and 56 are not composed entirely of software, this rejection is believed to be overcome. Accordingly, removal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 112

The Office Action rejects Claims 10, 11, 36, and 41-62 under 35 U.S.C. § 112, second paragraph, for use of the term “desired format.” Though Applicant believes that the term “desired format” complies with 35 U.S.C. § 112, second paragraph, to expedite prosecution of this application the above mentioned claims have been amended to recite “requested format,” as recommended by the Examiner. Since “desired format” has been amended according to the Examiner’s recommendations, this rejection is now believed to be overcome, and removal of this rejection is respectfully requested.

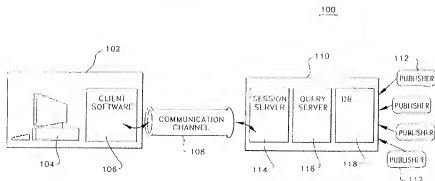
The Office Action rejected Claim 10 for reciting “receiving from a client device indications of two or more of the content data objects,” stating that it is not clear what is being indicated. Though unamended Claim 10 is believed to comply with 35 U.S.C. § 112, to expedite prosecution of this application by this paper Claim 10 has been amended to recite “receiving

from a client device indications of selection of two or more of the content data objects.” Thus, Claim 10 now further recites what is being indicated, and accordingly, removal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103(a)

The Office Action rejects independent Claims 10, 36, and 56 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,279,112, issued to O’Toole (hereinafter “O’Toole”), in view of U.S. Patent 6,304,857, issued to Heindel (hereinafter “Heindel”), and further in view of U.S. Patent 5,659,742, issued to Beattie (hereinafter “Beattie”). However, O’Toole, Heindel, and Beattie, alone and in any combination, fail to teach or suggest independent Claims 10, 36, and 56.

The Office Action indicates that O’Toole and Heindel do not describe “receiving indications from the client device of a desired format of one or more of the indicated content data objects; transforming the one or more of the indicated content data objects from respective native formats as provided by the respective publishers to the desired format; and aggregating at least some of the transformed content data,” and cites to Beattie as describing these features. *Office Action*, pages 5-6. However, Beattie also fails to teach or suggest these features. Beattie describes “[a] method for storing information in an information retrieval system having a database for retrieval of the input information in response to a query.” *Beattie*, abstract. Figure 1 from Beattie is reproduced below for reference:



Beattie describes that “[t]he data center 110 includes session server 114 which includes means for receiving a *search query* from user station 102, means for sending the *search query* to a query server 116, means for receiving *search results information* from the query server 116,

[and] means for sending a *search results list* representative of the search results information across communications channel 108 to the user station 102.” *Id.* at col. 8, line 63 to col. 9, line 2. Beattie further describes that “[t]he query server 116 at data center 110 includes means for receiving a *search query* from the session server 114, [and] searching means for searching a document index database 117 ... to identify documents responsive to the search query.” *Id.* at col. 9, lines 8-12. Thus, Beattie appears to disclose receiving a search query from a user station, searching a database for documents responsive to the search query, and returning a results list to the user station.

In contrast to Beattie, Claim 10 recites, in part:

A computerized method for transmitting content data over a network of devices, the method configured for execution by at least one computing device, the method comprising: ...

receiving indications from the client device of a ***requested format*** of one or more of the indicated content data objects;

storing received indications in a computer readable storage device ...

transforming the one or more of the indicated content data objects from respective native formats as provided by the respective publishers to the ***requested format*** ... and

aggregating at least some of the ***transformed content data objects***.

Thus, Claim 10 recites receiving indications of a ***requested format*** of one or more content data objects. Beattie instead describes receiving a ***search query*** that is later used to search a database, and thus does not teach or suggest “receiving indications from the client device of a requested format of one or more of the indicated content data objects,” as recited by Claim 10.

Furthermore, Claim 10 recites transforming one or more indicated content data objects from native formats to the format requested by the client device. In contrast, Beattie describes “a data preparation component 900 of the *information retrieval system 100*.” *Id.* at col. 26, lines 27-29. “The data preparation component 900 receives information representative of documents from a plurality of publishers or document sources 112 The document information received from the sources 112 is convened from the input format of the publisher 112 into the universal publisher processing format *within the data preparation component 900*.” *Id.* at col. 26, lines 33-40. Thus, Beattie appears to describe that the system 100 receives document information from a publisher and *then converts the document information into a universal format within a data preparation component 900 of the system 100*. Also, Beattie does not disclose that a format is a

requested format, since the system in Beattie converts document information into a “universal format” itself, and the system has no need to send a format request to itself. Furthermore, because the format is a “universal format,” there is no need to receive a request to indicate the format because all documents are converted into the same format. Accordingly, in Beattie it appears that the device receiving the transmitted document information converts the format of the document into the universal format of the system 100 rather than according to a requested format, and Beattie therefore does not teach or suggest “transforming the one or more of the indicated content data objects from respective native formats as provided by the respective publishers *to the requested format*,” as recited by Claim 10.

Finally, Claim 10 recites aggregating the transformed content data objects. In contrast, Beattie describes that “[w]hen the document information is converted into the universal publisher processing format, the data preparation component 900 stores the converted document information in the image/text database 118 for retrieval in response to a query from a user station 102.” *Id.* at col. 26, lines 40-44. Thus, Beattie appears to describe storing converted documents but does not teach or suggest “aggregating at least some of the transformed content data objects,” as recited by Claim 10. Accordingly, for at least these reasons Claim 10 is believed to be allowable over O’Toole, Heindel, and Beattie, alone and in any combination, and removal of this rejection is respectfully requested.

Claim 36 recites, in part:

A computer ... comprising:
a processor ...
*a formatting program that when executed by the processor transforms one or more of the content data objects from respective native formats to a **requested format**;*
an aggregating program that when executed by the processor **aggregates the selected content data objects**

Claim 56 recites, in part:

A computing ... comprising:
a processor configured to execute one or more programs ...
*a format program that transforms one or more of the selected content data objects from respective native formats to a **requested format**;* and
an aggregating program that aggregates the selected content data objects.

Although independent Claims 36 and 56 each include different features than Claim 10, each claim is believed to be patentable over O'Toole, Heindel, and Beattie, alone and in any combination, for similar reasons as discussed above with reference to Claim 10, where applicable, and because of the different features further recited by each of the claims. Therefore, Claims 36 and 56 are believed to be allowable over O'Toole, Heindel and Beattie, and removal of this rejection is respectfully requested.

Independent Claim 63

Though the disposition of independent Claim 63 was not indicated by the Office Action, Claim 63 is believed to be allowable over O'Toole, Heindel and Beattie. Claim 63 recites, in part:

A computing device comprising ...
a format selection module configured to *receive indications of a **requested format***;
means for *transforming one or more of the indicated content data objects from respective native formats as provided by the publishers to the **requested format***
....

Although independent Claim 63 includes different features than Claim 10, it is believed to be patentable over O'Toole, Heindel, and Beattie, alone and in any combination, for similar reasons as discussed above with reference to Claim 10, where applicable, and because of the different features further recited by Claim 63.

Dependent Claims

Dependent Claims 11, 41, 42, 44, 45, 47-49, 57, 59-62, and 64-65 are believed to be allowable for their own patentable features as well as for the features of their respective base claims.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this

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application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: _____/Bart Seeley/
Bart A. Seeley
Registration No. 63,918
Attorney of Record
Customer No. 20995
(951) 781-9231

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082709